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August 11, 2020

By ECF and e-mail

Honorable Richard J. Sullivan
United States Circuit Judge
Court of Appeals for the Second Circuit
40 Foley Square
New York, New York 10007

Re: *United States v. Javier Lavayen*, 14 Cr. 774 (RJS)

Dear Judge Sullivan:

I write pursuant to the Court's Order of August 11, 2020 (Dkt. No. 39) to inform the Court that Mr. Lavayen prefers to appear via videoconference at the upcoming conference, which is scheduled for August 14, 2020 at 2:00 p.m. I have reviewed the attached *Waiver of Right to be Present at a Criminal Proceeding* form with Mr. Lavayen, and have signed the form on his behalf.

Respectfully submitted,

/s/ _____
Martin S. Cohen
Ass't Federal Defender
Tel.: (212) 417-8737

cc: Drew Skinner, Esq. by ECF and e-mail
Darryl Spencer, U.S. Probation Officer, by e-mail

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT AT
CRIMINAL PROCEEDING**

JAVIER LAVAYEN,

Defendant.

14-CR-774 (RJS)

-----X

X Supervised Release Conference

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time the conditions of my release on supervision or my remand to custody are discussed. I have discussed these rights with my attorney and wish to give up these rights for the period of time in which access to the courthouse has been restricted on account of the COVID-19 pandemic. I request that my attorney and I be permitted to participate by telephone, or if it is reasonably available by videoconferencing, in any conference with the court at which such conditions or my remand are discussed.

Date:

Javier Lavayen by Martin Cohen
Signature of Defendant

Javier Lavayen
Print Name

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held without my client being physically present in court.

Date:

Martin Cohen
Signature of Defense Counsel

Martin Cohen
Print Name

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is:

_____.

Date:

Signature of Defense Counsel

Accepted:

[Signature]
Signature of Judge

Date: 8/14/20